

POSTED – JUNE 3, 2016

REGULAR MEETING JUNE 6, 2016

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, June 6, 2016 at 6:00 P.M. – Office of Regulatory Reform and 7:00 P.M. Regular Meeting at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes

only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert’s Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is

held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

6:00 P.M – Meeting with Office of Regulatory Reform

1. Communication of Julietta T. Georgakis, Office of Regulatory Reform, with enclosure, re: Meeting with the Office of Regulatory Reform (ORR) – Efforts to ease regulatory burdens in Rhode Island.

PRESENTATION

2. Continued from May 16, 2016 Regular Meeting.

At the request of Councillor Rodrigues, Citation of the Council, re: Middletown Unified Basketball Team.

CONTRACT

3. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, re: Middletown Association of Auxiliary Personnel/NEARI/NEA.

PUBLIC FORUM

4. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

BOARD OF LICENSE COMMISSION

5. Petition of Newport Beach House, Inc. dba Newport Beach House by William Wilk, 53–55 Purgatory Road, re: Request for expansion of Class BV Alcoholic Beverage License to provide outdoor service on Thursday, June 9, 2016 from 4:00 pm to 8:00 pm.

6. Application of Newport Beach House, Inc. dba Newport Beach House, 53-55 Purgatory Road, holder of a Class BV Alcoholic Beverage License to expand the service area to include service in

connection with privately hosted events, primarily wedding ceremonies on the beach areas for the 2015-2016 licensing year. (Requires advertising for public hearing and notification to abutters)

CONSENT

7. Approval of Minutes, re: Regular Meeting, May 16, 2016.

8. Approval of Minutes, re: Special Meeting, May 18, 2106.

9. Approval of Minutes, re: Special Meeting, May 25, 2016.

10. Communication of Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

11. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

12. Memorandum of Finance Director thru Town Administrator, with enclosures, re: FY2016 Municipal Budget Report – Quarter ending March 31, 2016.

13. Communication of Patricia S. Lucarelli, Energy Facility Siting Board, re: SB-2016-01 – Aquidneck Island Reliability Project.

14. Town of Middletown Motion to Intervene, re: Energy Facility Siting Board – Aquidneck Island Reliability Project.

15. Town of Portsmouth Motion to Intervene, re: Energy Facility Siting Board – Aquidneck Island Reliability Project.

16. Application of Narragansett Electric Company d/b/a National Grid, Aquidneck Island Reliability Project, requesting relief from Noise Abatement Chapter. (Requires Advertising for Public Hearing and Notice to abutters)

17. Memorandum of Exeter Town Clerk Lynn M. Hawkins, CMC, re: Letter to Governor Gina M. Raimondo regarding Legislation Restoring Funding for the State Aid to Libraries to the Full Twenty-five Percent (25%).

18. Communication of Exeter Town Clerk, with enclosure, re: Resolution in Support of Article 15 (Relating to Municipalities) of the Governor's FY 2017 Budget.

19. Resolution of the Exeter-West Greenwich Regional School District, re: School Committee Resolution.

20. Application of Wayne A. Beebe Sr. and Deborah M. Beebe, Middletown, for a License of Burial, Middletown Cemetery, Section 49,

Graves 51 and 52.

21. Application for Special Event Permit from Jeremiah O'Connor for BULLFROGFIT "Beach Workouts" to be held at Sachuest Beach (Path 8) on Thursdays, Saturdays and Sundays from 7:00 am to 8:00 am.

22. Application for Special Event Permit from Kyle Borsare for Beach Fitness (Outdoor Fitness Training) to be held at Second Beach (Weather Permitting) on Tuesdays and Thursdays from 5:30 am to 7:30 am.

23. Application for Special Event Permit from Emily Mayer for Yoga at the Beach with Newport Community Yoga to be held at Second Beach (on sand by 2nd parking lot) Tuesday, Wednesday and Fridays 7:00 am to 8:00 am.

24. Application for Special Event Permit from Rhode Races Events, Inc. for a Newport Rhode Race – Marathon – Half Marathon to be held on Sunday, April 16, 2017 from 7:30 am to 1:30 pm. (Roads are in Newport and Middletown – see map) – This application was approved by Newport City Council on April 27, 2016.

25. Application for Special Event Permit from Newport Beach House, Inc. dba Newport Beach House, 53-55 Purgatory Road for a Private Grand Opening Party (Band and Photo Booth on the Beach) to be held on June 9, 2016 from 4:00 pm to 8:00 pm. (Subject to Town

Department Approvals)

26. Applications ten (10) for Special Event Permits from the following named persons for events to be held at Sweet Berry Farm, 915 Mitchell's Lane: 1) Sipprelle/Merrill Rehearsal Dinner on Friday, June 10, 2016. 2) Klewin/Silvia Wedding on Saturday, June 18, 2016. 3) Fernandez/Kosboski Rehearsal Dinner on Saturday, June 25, 2016. 4) Arcari/Rodrigues Rehearsal Dinner on Friday, July 8, 2016. 5) Wiederhoeft/Hathaway Wedding on Saturday, July 16, 2016. 6) Gorski Graduation on Saturday, July 30, 2016. 7) Dufresne/McHale Wedding on Saturday, August 13, 2016, 8) Lathan/Kinman Wedding on Saturday, August 27, 2016. 9) Berman/Patrissi Wedding on Saturday, September 10, 2016. 10) Cerniglia/Rand Wedding on Saturday, September 17, 2016. All events will be held from 5:00 pm to 10:00 pm.

LICENSES AND PERMITS

27. Application of Rebecca Madeiro, Portsmouth, for a Hawker/Peddler License for the 2016-2017 licensing year. (Including Special Events by Invitation only; NEW)

28. Application for a Special Event Permit from the Aquidneck Land Trust for Fiesta Verde, Annual Gala to be held at Sweet Berry Farm, 915 Mitchell's Lane on Saturday, July 23, 2016 from 6:00 pm to 11:00

pm. (Attached is a request to waive permit fee)

OTHER COMMUNICATION

29. Communication of Nancy Crockett, representing Purgatory Road and Ellery Avenue, re: To discuss “Party Houses”.

ORDINANCE

30. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 33 Beach Fees.

TOWN COUNCIL

31. Communication of Council President Sylvia, with enclosure, re: Senior Exemptions.

32. At the Request of Council President Sylvia, re: Approval of 2016 Summer Council Schedule – June 20, 2016, July 18, 2016 and August

15, 2016. (No Documentation)

33. Communication of Councillor Viveiros, re: Charter Amendment to Section 208 Town budget; expenditures prior to adoption of annual budget, and loans in anticipation of tax revenues; fiscal year defined.

34. Communication of Councillor Viveiros, re: Establishing a temporary moratorium on development and grant Special Use Permits and Variances until the DEM study of water quality has been completed.

TOWN ADMINISTRATOR

35. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-016-002 Services – Sewer and Roadway Improvements on Fenner Avenue.

36. Resolution of the Council, re: Award of contract – Sewer and Roadway Improvements on Fenner Avenue.

APPOINTMENT TO BOARDS AND COMMITTEES

37. Email communication of Michael Richard, re: Resignation from the Open Space and Fields Committee.

38. Appointment of two (2) members to the Conservation Commission for terms expiring July 2019.

39. Appointment of one (1) member to the Prevention Coalition (Healthcare Professional sector) to complete a term expiring April 2017.

40. Appointment of one (1) member to the Tax Exploration Sub-Committee, term to be set by Council.

EXECUTIVE SESSION

41. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation, (2) Potential Litigation, (5) Lease (Turner Road), (5) Lease (Tibbits), (2) Collective Bargaining (IBPO).

Wendy J.W. Marshall, CMC

Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before this meeting.